



# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional applications under 37 C.F.R. § 1.53(d))

CHECK BOX, if applicable:

☒ DUPLICATE

Address to:  <b>Assistant Commissioner for Patents Box CPA Washington, DC 20231</b>	Attorney Docket No. of Prior Application	6130.US.P1
	First Named Inventor	Patricia A. Billing-Medel
	Examiner Name	S. Zitomer
	Group / Art Unit	1655
	Express Mail Label No.	EL384166314US

This is a request for a ☒ continuation or ☐ divisional application under 37 C.F.R. § 1.53(d),  
(continued prosecution application (CPA)) of prior application number 09/110,720,  
filed on July 7, 1998, entitled REAGENTS AND METHODS USEFUL FOR DETECTING DISEASES OF THE BREAST

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. § 1.78(a).

- ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 C.F.R. § 1.116 in the prior nonprovisional application.
- ☒ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53 (d)(4).
  - ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_
  - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- Information Disclosure Statement (IDS) is enclosed:
  - ☐ PTO-1449
  - ☐ Copies of IDS Citations

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[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

03/13/2000 WMAN11 00000053 010025 09110720  
 01 FC:131 690.00 CH  
 02 FC:102 234.00 CH

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 C.F.R. § 1.16(c) or (j))	13	-20* =	0	x \$18.00 =	\$ 0.00
INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b) or (i))	6	-3** =	3	x \$78.00 =	234.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.16(d))				+ \$ _____ =	
				BASIC FEE (37 C.F.R. § 1.16)	760.00
				Total of above Calculations =	994.00
Reduction by 50% for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27 & 1.28).					
* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.					TOTAL = 994.00

## 6. Small entity status:

- a. ☐ A small entity statement is enclosed, if (b) and (c) do not apply.  
b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.  
c. ☐ Is no longer claimed.

## 7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 01-0025:

- a. ☒ Fees required under 37 C.F.R. § 1.16.  
b. ☒ Fees required under 37 C.F.R. § 1.17.  
c. ☐ Fees required under 37 C.F.R. § 1.18.

8. ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed.9. ☐ New Attorney Docket Number, if desired \_\_\_\_\_

[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]

10 a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)

- b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)

11. ☐ Other: \_\_\_\_\_**NOTE:**

The prior application's correspondence address will carry over to this CPA  
UNLESS a new correspondence address is provided below.

**12. NEW CORRESPONDENCE ADDRESS**
☐ Customer Number or Bar Code Label

☐ New correspondence address below

(Insert Customer No. or Attach bar code label here)

Name

Address

City

State

Zip Code

Country

Telephone

Fax

**13. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print /Type)

Mimi C. Goller

Signature

Registration No. (Attorney/Agent)

39,046

Date

March 9 2000

PATENT  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant: P. A. Billing-Medel, *et al.*

Serial No.: 09/110,720

Filed: July 7, 1998

For: REAGENTS AND METHODS  
USEFUL FOR DETECTING  
DISEASES OF THE BREAST

Examiner: S. Zitomer

Group Art Unit: 1655

Case No.: 6130.US.P1

CERTIFICATE OF MAILING (37 CFR  
1.8 (a))

I hereby certify that this paper (along with any  
paper referred to as being attached or enclosed) is  
being deposited with the United States Postal  
Service on the date shown below with sufficient  
postage as first class mail in an envelope addressed  
to the:

Assistant Commissioner for Patents  
Box CPA  
Washington, D.C. 20231, on:

Date of Deposit: March 9, 2000

Karina Limon 3/9/00  
Karina Limon Date

15/c  
B. Webb  
3/31/00

Assistant Commissioner for Patents  
Box CPA  
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Dear Sir:

This is responsive to the Advisory Action dated February 28, 2000, wherein the  
Examiner states that the previous amendment dated February 14, 2000 was not entered.

AMENDMENTS

Please amend the application as follows:

IN THE CLAIMS:

Please amend claims 11, 38 and 39 as follows:

11. (Twice Amended) A purified polynucleotide comprising a polynucleotide  
sequence that [specifically binds to] has at least 50% identity with a polynucleotide  
selected from the group consisting of: SEQ ID NO: 1, SEQ ID NO: 2, SEQ ID NO: 3,

04/06/2000 BDENNY 00000001 010025 09110720  
01 FC:1

04/06/2000 BDENNY 09110720  
01 FC:102  
02 FC:103